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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,270

10/16/2006

Yajuan Wu

HW 0311064US

3304

74365

7590

09/25/2009

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EXAMINER

HUA, QUAN M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/568,270	Applicant(s) WU, YAJUAN	
	Examiner QUAN M. HUA	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment note. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1, 2, 5 and 6.
 Claim(s) withdrawn from consideration: 3, 4, 7 and 8 are cancelled.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment note.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617

/QUAN M HUA/
Examiner, Art Unit 2617

The claims as amended by applicant has changed the scope of the claim, thus require new searches. Applicant cancelled the step of checking version number prior to filling a Cause value, thus the step of filling a Cause values no longer depends on version checking but on internal processing; furthermore the step of version check is now done only after internal processing being done with result being PDP context creation is failed due to insufficient resource/memory.

In a reply filed 9/14/2009, Applicant claimed that no searches is required because Claim 1 incorporates all featured of Claim 4 which has been previously considered by the examiner and that the amendment is only a correction to make claim 1 clearer. The examiner however assert that such argument is not persuasive. New searches is required when the scope of the claim is altered. Cancelling a limitation do not always further simply matter but, depending on the claims context could change the scope of the claim, such as done in the after-final amendment filed 8/17/2009 wherein the order of steps to be performed has been altered. Previously claim 1 reads, "2)...the GSN...filling a Cause value in a Create PDP Context Response according to a processing result of the internal processing and the version number of the Create PDP context Request", meaning a Cause value will be considered based on 2 factors: internal processing and version number (after a version check has been done). The after-final amendment now eliminates the version check step, which is a step, according to the PDP standard, to be done first for compatibility ensurance, and requires version to be checked only after it is determined that a PDP context is failed to create. Furthermore, the invention is based existing standards as described in 3GPP documents (prior arts of record). Existing standards places a mandatory field for version check purpose in the GTP header (3GPP TS 29.060 version 4.8.0. release 4), requiring the compatibility check to be performed before any internal processing as header is to be first read before data content. In previous version of the claim, the invention was in conformity with said existig standards. The amendment after-final, as in claim 1, alters such mandated requirement, thus changing the scope of the claim. Furthermore yet, the examiner asserted that subject matter from claim 4 is to be intepreted as follow in order to be logical: the step of version checking is to be performed again even after the first check (See final rejection, page 12) which can be contemplated by one of ordinary skill in the art. If interpreted otherwise, such as the case presented by the examiner in final rejection, page 12, second paragraph, it would lead to a contradiction with claim 1, which Applicant also admits so (See eithe reply after final rejection). The examiner has never considered the case in which the version checking step is done only after internal processing. Therefore, the arguments presented by Applicant are unpersuasive.